



CoFC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,043,560

)

Serial No. 09/883,208

Inventor(s): Stephanie COULOMBE *et al*

)

Filed: June 19, 2001

Issue Date: May 9, 2006

)

Attorney Docket No. 005245.00006

For: DYNAMIC PROBING AND REPORTING OF BIT RATE INFORMATION

REQUEST FOR CERTIFICATE OF CORRECTION

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop: Certificate of Correction Branch
401 Dulany Street
Alexandria, VA 22314

Certificate

JUL 25 2006

of Correction

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one page.

The mistakes identified in the appended Form occurred through no fault of the Applicants, as clearly disclosed by the records of the application, which matured into this patent. Enclosed for your convenience is the initialed Information Disclosure Statement returned with the Notice of Allowance dated January 12, 2006, and the relevant portion of the Amendment filed August 30, 2005.

Issuance of the Certificate of Correction containing the corrections is respectfully requested. Since these changes are necessitated through no fault of the Applicants, no fee is believed to be associated with this request. Nonetheless, should the Patent and Trademark Office determine that a fee is required, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By:

Bradley C. Wright
Registration No. 38,061

Dated: July 21, 2006

1001 G Street, N.W. (11th Fl.)
Washington, D.C. 20001
(202) 824-3000

JUL 25 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: 7,043,560
 DATED: May 9, 2006
 INVENTOR(S): Stephanie COULOMBE *et al*

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, References Cited section (56), U.S. Patent Documents:
 Please replace "2002/0185970" with --2002/0165970--

In Column 16, Claim 34, Lines 1-8:
 Please replace the following formula:

“ ”

$$\frac{1}{T'} \left[\left(\sum_{j=0}^{N(i)-1} P_u(i-j) \right) + \left(P_u \left(i - N(i) \cdot \left[\frac{T' - \sum_{j=0}^{N(i)-1} \Delta T_u(i-j)}{\Delta T_u(i - N(i))} \right] \right) \right) \right],$$

With the formula below:

$$BR(i) = \frac{1}{T'} [BR(i-1) \cdot (T' - \Delta T_u(i)) + P_u(i)],$$

--

Mailing Address of Sender:

Banner & Witcoff, Ltd.
 11th Floor
 1001 G Street, N.W.
 Washington, DC 20001-4597

FORM PTO 1050 (Rev.2-93)

U.S. PAT. NO 7,043,560

No. of add'l copies
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□

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

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U.S. PAT. NO 7,043,560

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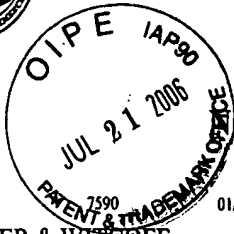
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2006



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NOTICE OF ALLOWANCE AND FEE(S) DUE

22907

7390

01/12/2006

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

NGUYEN, PHUOC H

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 01/12/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,208	06/19/2001	Stephane Coulombe	05245.00006	9863

TITLE OF INVENTION: DYNAMIC PROBING AND REPORTING OF BIT RATE INFORMATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	04/12/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

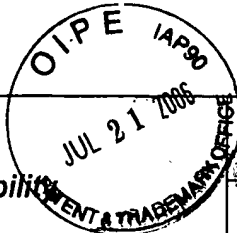
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

JAN 15 2006

**Notice of Allowability**

Application No.

09/883,208

Examiner

Phuoc H. Nguyen

Applicant(s)

COULOMBE ET AL.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 20, 2005.
2. ☒ The allowed claim(s) is/are 1-3,6,9,10,15-23,27,28,31-36,39 and 42-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/30/01, 04/03/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date September 20, 2005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JEFFREY PWU
PRIMARY EXAMINER

2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



Substitute for form 1448A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Steel

1

of

2

Attorney Docket Number

Complete If Known

Application Number

09/883,208

Filing Date

06/19/01

First Named Inventor

Stephane Coulombe et al.

Group Art Unit

2121

Examiner Name

TBD

Attorney Docket Number


005245.00008

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	12/20/05
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³ Prior Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

4-3 4006

2006



**REPLY UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2100**

In re Application of:)	
)	
Stephane Coulombe et al.)	Examiner: Phuoc H. Nguyen
)	
Application No. 09/883,208)	Art Unit: 2143
)	
Filed: June 19, 2001)	Attorney Docket: 005245.00006
)	
For: Dynamic Probing and Reporting of)	
Bit Rate Information)	

**AMENDMENT AFTER FINAL AND
PETITION FOR ONE MONTH EXTENSION OF TIME**

The Honorable Commissioner for Patents
Customer Service Window
Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants submit the present paper in response to the final Office Action mailed May 4, 2005, in an effort to narrow the issues on appeal. The Shortened Statutory Period set for response in the Office Action expired on August 4, 2005, and Applicants request a one-month extension of time pursuant to 37 C.F.R. 1.136(a). Please charge the required extension fee, and any other fees due in connection with this amendment, to Deposit Account No. 19-0733.

A Listing of the Claims begins on page 2 of this paper, and supercedes all prior claim listings.

Remarks/Arguments begin on page 18 of this paper.

08/31/2005 SZEWDIE1 00000062 190733 09883208

01 FC:1251 120.00 DA

a bit rate measurer to measure a number of bits transmitted between the mobile terminal and a server over a time period, wherein:

the number of bits measured are those included only within each of a plurality of transaction units,

the time period is a sum of time durations of each of the transaction units, and

the bit rate measurer is arranged to measure the bit rate at an application level within the mobile terminal, such that a perceived bit rate is measured for a plurality of applications executing on the mobile terminal.

Claim 50 (previously presented): A server for communicating with a client, the server comprising:

a bit rate measurer to measure a number of bits transmitted between the server and the client over a time period;

an adapter to adapt content to be sent to the client based on a measurement determined by the bit rate measurer, wherein:

the number of bits measured are those included only within at least one transaction unit,

the time period is a sum of time durations of each of the at least one transaction unit,

a respective one of the time durations is an amount of time from a beginning of a transmission, from the server, of a first response within the respective transaction unit to a time of a receipt, by the server, of a last acknowledgement within the respective transaction unit, and

the bit rate measurer is configured to measure the bit rate according to a formula:

$$BR(i) = \frac{1}{T'} [BR(i-1) \cdot (T' - \Delta T_u(i)) + P_u(i)],$$

where $BR(i)$ is a bit rate at an index time i , $T' = \min \left(T, \sum_{j=0}^i \Delta T_u(i-j) \right)$, T is the time

period, $\Delta T_u(i)$ is a time difference from a first response and a last acknowledgement within an

i^{th} transaction unit, and $P_u(i)$ is a total amount of data exchanged during the i^{th} transaction unit.